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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
LITIGATION

This Document Relates to:  
ALL DIRECT PURCHASER ACTIONS

Master File No. M-02-1486-PJH

MDL No. 1486

**[PROPOSED] ORDER APPROVING  
JOINT NOTICE TO CLASS  
REGARDING CLASS  
CERTIFICATION AND  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENTS  
WITH SAMSUNG, INFINEON AND  
HYNIX DEFENDANTS**

Time: 9:00 a.m.  
Date: July 26, 2006  
Judge: Hon. Phyllis J. Hamilton  
Courtroom: 3

1           The Court, having approved the three settlement agreements (“Settlements”) entered into  
2 between (i) plaintiffs and defendants Infineon Technologies AG and Infineon Technologies North  
3 America Corp. (collectively “Infineon”); (ii) plaintiffs and defendant Samsung Semiconductor,  
4 Inc., (“Samsung”); and (iii) Hynix Semiconductor, Inc. and Hynix Semiconductor America, Inc.  
5 “Hynix”); (collectively “Settling Defendants”), and having issued its order certifying the class for  
6 litigation purposes on June 5, 2006, hereby ORDERS:

7           1.       The Court will hold a Fairness Hearing pursuant to Federal Rule of Civil Procedure  
8 23(e) on November 1, 2006. The Fairness Hearing will be held to determine the following:

9           (a)       Whether each of the proposed Settlements are fair, reasonable and adequate and  
10 should be granted final approval by the Court pursuant to Federal Rule of Civil Procedure 23(e);

11           (b)       Whether final judgments should be entered dismissing the claims of the class  
12 against the Settling Defendants with prejudice as required by each of the Settlements; and

13           (c)       Such other matters as the Court may deem appropriate.

14           2.       Rust Consulting, Inc. is approved to serve as the Class Administrator.

15           3.       By August 25 2006, Class Notice, substantially in the form attached hereto as  
16 Exhibit “A” shall be sent by the Class Administrator via first class U.S. mail or email, postage  
17 prepaid, to all members of the Class at their last known address and/or email address as reflected in  
18 the records of Settling Defendants and the non-settling defendants. By August 29, 2006,  
19 publication notice substantially in the form of Exhibit B hereto shall be published in the national  
20 edition of The Wall Street Journal. Class Counsel shall also cause a copy of the Notice and the  
21 Settlements to be posted on the Internet at a readily accessible website to be created and maintained  
22 by the Class Administrator.

23           4.       The Court finds that this manner of giving notice fully satisfies the requirements of  
24 Federal Rule of Civil Procedure 23 and due process, constitutes the best notice practicable under  
25 the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

26           5.       Plaintiffs’ Class Counsel shall file, not later than 14 days before the Fairness  
27 Hearing, proof of compliance with paragraph 3 of this Order.

6. Each class member shall have the right to be excluded from the Class by mailing a request for exclusion to the Class Administrator not later than October 3, 2006. Requests for exclusion must be in writing and set forth the name and address of the person or entity who wishes to be excluded, as well as all trade names or business names and addresses used by such person or entity, and must be signed by the class member seeking exclusion. At least 14 days prior to the Fairness Hearing, Plaintiffs' Class Counsel shall file with the Court a list of all persons who have timely requested exclusion from the class.

7. Any class member who does not properly and timely request exclusion from the Class shall, upon final approval of the Settlements, be bound by all the terms and provisions of the Settlements so approved, including but not limited to the releases, waivers, and covenants described in the Settlements, whether or not such person or entity objected to the Settlements and whether or not such person or entity made a claim upon the settlement funds.

8. As provided by the Class Notice, each class member who does not timely exclude itself from the class shall have the right to object to the Settlements by filing written objections with the Court not later than October 3, 2006, copies of which shall be served on all counsel listed in the Class Notice.

9. All briefs, memoranda, and supporting papers in support of final approval of the Settlements shall be filed not later than October, 17, 2006.

10. All further class proceedings as to the Settling Defendants are hereby stayed except for any actions required to effectuate the Settlements.

11. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the Settlements.

**IT IS SO ORDERED.**

Dated: July <sup>27</sup>, 2006

